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04/06/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ni et al.

Appl. No. 08/741,095

Filed: October 30, 1996

For: **HUMAN TUMOR NECROSIS FACTOR
RECEPTOR-LIKE 2**

Art Unit: 1812

Examiner: Basham, D.

Atty. Docket: 1488.0770004/KRM/S-S

Declaration of Deposit

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Robert H. Benson, Ph.D., Esq., declare as follows:

1. I have authority to act with regard to patent matters on behalf of Human Genome Sciences, Inc., a co-assignee of the above-captioned application by the assignment recorded in the U.S. Patent and Trademark Office at Reel 8482, Frame 0774.
2. The first cDNA clone (*i.e.*, DNA plasmid) referenced in the above-captioned patent application was deposited with the American Type Culture Collection (ATCC), 12301 Parklawn Drive, Rockville, Maryland 20852, U.S.A. on February 13, 1995, and assigned ATCC Designation Number 97059. The second cDNA clone (*i.e.*, DNA plasmid) referenced in the above-captioned patent application was deposited with the American Type Culture Collection (ATCC), 12301 Parklawn Drive, Rockville, Maryland 20852, U.S.A. on February 13, 1995, and assigned ATCC Designation Number 97058. The third cDNA clone (*i.e.*, DNA plasmid) referenced in the above-captioned patent application was deposited with the American Type Culture Collection (ATCC), 12301 Parklawn Drive, Rockville, Maryland 20852, U.S.A. on February 13, 1995, and assigned ATCC Designation Number 97057. A copy of the ATCC



receipt document reciting the terms of the deposits, as well as a statement of viability, is attached hereto.

3. In accordance with the regulations set forth in 37 C.F.R. § 1.806, the deposits shall be maintained for a term of at least thirty (30) years and at least five (5) years after the most recent request for the furnishing of a sample of the deposited material.

4. All restrictions on the availability to the public of the deposited materials will be irrevocably removed upon the granting of a patent arising from the present application.

5. The deposits will be replaced should it become necessary due to inviability, contamination, or loss of capability to function described in the manner in the specification.

6. During the pendency of the patent application, access to the deposits will be afforded to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

FOR: HUMAN GENOME SCIENCES, INC.

BY: Robert H. Benson
Robert H. Benson, Ph.D., Esq.

TITLE: Vice President and General Counsel *Intellectual Property*

DATE: March 27, 1998

American Type Culture Collection

12341 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-5520 Telex: 898-455 ATCCNORTHII • FAX: 301-770-2587

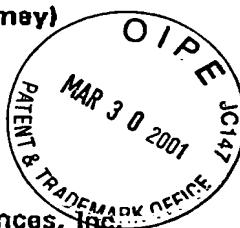
BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.
Attn: Craig A. Rosen, Ph.D.
9620 Medical Center Drive, Suite 300
Rockville, MD 20850



Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid, 244,087	HMSB287	97057
DNA Plasmid, 245,598	HHFFT79	97058
DNA Plasmid, 60041		97059

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposits were received February 13, 1995 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

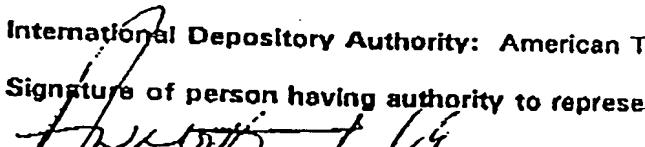
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested February 23, 1995. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:


Annette L. Bade, Director, Patent Depository

Date: February 28, 1995

cc: Greg Ferraro